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LEGISLATIVE COUNCIL

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Authority: IC 2-5-1.1

MEETING MINUTES¹

Meeting Date: August 29, 2000
Meeting Time: 10:30 A.M.
Meeting Place: State House, 200 W. Washington St.,
Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Rep. John Gregg, Chairman; Sen. Robert Garton, Vice-Chairman; Sen. Richard Young; Sen. Joseph Harrison; Sen. Patricia Miller; Sen. James Lewis; Sen. Earline Rogers; Rep. Mark Kruzan; Rep. Dale Grubb; Rep. William Cochran; Rep. Charlie Brown; Rep. Richard Mangus; Rep. Kathy Richardson; Rep. Brian Bosma.

Members Absent: Sen. Harold Wheeler; Sen. Thomas Wyss.

Representative John Gregg, Chairman, called the meeting to order at 10:45 a.m. Senator Wheeler and Senator Wyss were excused from attendance.

Contract for Republication of the 2001 Indiana Administrative Code (IAC)

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The first order of business concerned the printing contract for the 2001 republication of the Indiana Administrative Code (IAC). The Chairman asked Mr. Philip Sachtleben, Executive Director of the Legislative Services Agency (LSA) to present the results of the Request for Proposals (RFP) issued by the LSA earlier this summer. Mr. Sachtleben referred to a memo that has been distributed to the members of the Council in a previous mailing which described the methodology used by the LSA to develop an "apples and apples" comparison of responses to the RFP. Using this analysis, the LSA had determined that the proposal of the West Publishing Group ("West") would result in a cost of about \$41,000 (15%) less than the bid of the Conway Greene Company ("Conway Greene").

State law requires the Legislative Council to award printing contracts to the "lowest and best" bidder. Mr. Sachtleben noted that while West was clearly the lowest bidder, he felt the Council should receive additional information as to whether it was the "best" bidder based on recent problems encountered by the LSA with the publication of the 2000 Supplement to the Indiana Code. Those problems resulted from serious publishing errors by West and were detailed in the previously referred to memo.

In response to Representative Kruzan's question, Mr. Sachtleben noted that the LSA has for many years enjoyed a very good relationship with West on various major printing contracts. He also noted that the LSA was very pleased with the current work being performed by Conway Greene with respect to the Indiana Register.

In response to Senator Garton's question, Mr. John Stieff, Director of the Office of Code Revision of the LSA, stated that West's errors with respect to the Supplement contract had resulted in about a six week delay in the delivery of this time-sensitive publication.

Mr. Bill Moreau, of the Bingham, Summers Law firm (which represents West), and Ms. Candace Hatton, Senior Editorial Director at West in charge of the Supplement contract, described their embarrassment over the inferior Supplement product. They then answered several questions from the Council concerning the extent of and reasons for the Supplement errors. They also described certain procedural changes in the electronic transfer of the Supplement document between West's editorial offices in Cleveland and the printing machines in Minnesota that caused some of the printing problems.

In response to Senator Garton's question, Ms. Hatton stated that West would agree to additional language in a contract which would penalize West for any printing errors in the IAC republication.

Senator Lewis stated that he would award the contract to West based on its low bid and the many years of prior quality service to the General Assembly. Representative Kruzan, Senator Garton, and Senator Rogers all discussed the need for significant guarantees that West would perform quality work in any future contract.

The Council then discussed the implications of delaying the awarding of the IAC contract. On motion of Senator Miller, the Council voted affirmatively to permit the two bidders to resubmit offers that included penalties for poor performance. After further discussion of the impact of Senator Miller's motion, the Chairman asked for and received consent to reconsider Senator Miller's motion. He then removed this agenda item from further consideration at this meeting.

In-house printing of the Acts of Indiana

After a brief discussion, the Council approved LCR 00-6 which will result in the in-house publishing of the Acts of Indiana.

Legislative Evaluation and Oversight Policy Subcommittee (LEOPS)

The next item of business concerned the recommendations of the Council's LEOPS subcommittee for future study topics to be assigned to the LSA for presentation next summer. The subcommittee had recommended that the next topics of study include the Indiana State Police department and the Office of the State Fire Marshal. On motion of Representative Brown and Senator Miller, LCR 00-7 was unanimously approved.

BBSP/Redistricting preparations

The final item on the agenda was an update by Ms. Maureen Bard and Mr. Mark Stratton on the activities of the LSA's Block Boundary Suggestion Program and the redistricting work group. Ms. Bard and Mr. Stratton are the co-directors of the BBSP project.

The most significant problem being addressed is the significant number of pseudoprecincts (about 15% of all Indiana precincts) that the Census Bureau has/will be creating due to the unacceptability (under Census Bureau rules) of some portion of the precinct's boundary. Census generally only accepts visible features and municipal boundaries (even if not visible) as block boundaries. For several reasons, including an early freeze on re-precincting and the delayed effective date of annexations legislated by the General Assembly, Indiana has a very high number of unacceptable boundaries.

The problem with pseudo-precincts is that the Census Bureau will add the population of both precincts together when reporting 2000 figures next March. This will result in a significant loss in precision as new legislative and congressional districts are drawn. Steps are being studied by the redistricting work group to minimize or eliminate such problems.

In response to a question from Senator Garton, Mr. Sachtleben stated that each of the entities in Indiana entitled to 2000 TIGER files has requested the actual count and the estimated count. Mr. Sachtleben stated that the law remains unsettled as to which set of numbers must or should be used for redistricting, and that there probably would not be any case law on this issue before Indiana must accomplish its redistricting. He added, however, that the software recommended by the working group would be capable of loading both sets of numbers simultaneously.

There being no further business to come before the Council, the Chairman adjourned the meeting at 11:50 a.m.